

11-28-01

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**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Docket No: 27129/3378



**CONTINUING APPLICATION TRANSMITTAL UNDER 37 CFR 1.53(b)**

**Box Patent Application  
Commissioner for Patents  
Washington, D.C. 20231**

Sir:

This is a request under 37 CFR 1.53 for filing a


- ☒ continuation application.  
☐ divisional application.

**1. Particulars of Prior Application**

Application Serial No: 09/286,153  
Filed on: April 5, 1999  
Title: Method for Quantifying LBP in Body Fluids  
Art Unit: 1642  
Examiner: Karen Canella  
Prior Docket No.: 27129/33783A

**CERTIFICATION UNDER 37 CFR 1.10**

I hereby certify that this Continuing Application Transmittal Under 37 CFR 1.53(b) and the documents referred to as enclosed therewith are being deposited with the United States Postal Service on **November 26, 2001**, in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231 utilizing the "Express Mail Post Office to Addressee" service of the United States Postal Service under Mailing Label No. EL564465439US.

  
Richard Zimmermann

2. This request is filed by:

1. Full Name of Inventor	Family Name White	First Given Name Mark	Second Given Name Leslie
Residence & Citizenship	City Antioch	State or Foreign Country California	Country of Citizenship U.S.A.
Post Office Address	Post Office Address 2518 Blacktail Ct.	City Antioch	State & Zip Code/Country California/94509/U.S.A.
2. Full Name of Inventor	Family Name Carroll	First Given Name Stephen	Second Given Name Fitzhugh
Residence & Citizenship	City Walnut Creek	State or Foreign Country California	Country of Citizenship U.S.A.
Post Office Address	Post Office Address 1308 Milton Ave.	City Walnut Creek	State & Zip Code/Country California/94596/U.S.A.
3. Full Name of Inventor	Family Name Ma	First Given Name Jeremy	Second Given Name Kam-kuen
Residence & Citizenship	City San Ramon	State or Foreign Country California	Country of Citizenship U.S.A.
Post Office Address	Post Office Address 978 Springview Circle	City San Ramon	State & Zip Code/Country California/94583/U.S.A.

- ☐ This application is being filed by less than all the inventors named in the prior application. An accompanying statement requests deletion of the name(s) of the person(s) who are not inventors of the invention being claimed in this application.

3. **Amendments**

- ☒ Amend the specification by inserting before the first line the sentence:  
--This is a **Continuation** of U.S. application Serial No. 09/286,153, filed April 5, 1999, which is a Continuation of U.S. Patent No. 5,891,618, which is a continuation-in-part of U.S. Patent No. 5,804,367, which is a continuation-in-part of U.S. Patent No. 5,484,705 .--
- ☐ Cancel claims \_\_\_\_\_ in the prior application before calculating the filing fee.
- ☐ A Preliminary Amendment is enclosed.
- ☒ The filing fee is based upon entry of the foregoing amendment(s) (if any).

4. **Copy of Prior Application**

The enclosed is a copy of the prior complete application, including the specification (with claims), drawings, the oath or declaration, and any amendments referred to in the oath or declaration filed to complete the prior application.

5. **Sequence Listing**

The Sequence Listing in the above-identified application is identical to that in grandparent application U.S. Patent No. 5,891,618/U.S. Serial No. 08/779,400 filed January 7, 1997. In accordance with 37 C.F.R. 1.821(e), Applicants request that the Patent Office use the identical computer readable form of the Sequence Listing from the grandparent application as the computer readable form in the present application. The paper copy of the Sequence Listing included in the present specification is identical to the computer readable form of the Sequence Listing in U.S. Patent No. 5,891,618/U.S. Serial No. 08/779,400.

6. **Incorporation By Reference**

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under paragraph 4, above, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

7. **Priority**

- ☐ Priority of application No. \_\_\_\_\_, filed on \_\_\_\_\_ in \_\_\_\_\_ is claimed under 35 USC 119.
- ☐ The certified copy(ies) was(were) filed in prior U.S. application Serial No. \_\_\_\_\_.
- ☐ The certified copy(ies) has(have) not been filed.

8. **Assignment**

- ☒ The prior application is assigned to XOMA Technology Ltd. which is a wholly-owned subsidiary of XOMA Ltd., 2910 Seventh Street, Berkeley, California 94710, both of which are limited liability companies of Bermuda (a dependent territory of the United Kingdom) and wherein XOMA Ltd. has resulted from merger and change of domicile of XOMA Corporation. The assignment is of record to XOMA Corporation, and has been recorded at Reel No. 8689, Frame No. 23.

9. **Small Entity Status**

- ☒ Applicant claims small entity status. See 37 CFR 1.27.

☐ A small entity statement is(are) attached.

10. **Application to Be Published**

- ☒ Yes.
- ☐ No. A Request and Certification Under 35 U.S.C. §122(b)(2)(B)(i) is attached.

11. **Fee Calculation**

CLAIMS AS FILED - INCLUDING PRELIMINARY AMENDMENT (IF ANY)						
			SMALL ENTITY		OTHER THAN A SMALL ENTITY	
	NO. FILED	NO. EXTRA	RATE	FEE	RATE	FEE
BASIC FEE				\$370.00		\$740.00
TOTAL	17 -20	=0	X 9 =	\$0	X 18 =	\$
INDEP.	1 - 3	=0	X 42 =	\$0	X 84 =	\$
<input type="checkbox"/> First Presentation of Multiple Dependent Claim			+ 140 =	\$0	+ 280 =	\$
Filing Fee:				\$370.00	OR	\$

**12. Method of Payment of Fees**

- ☒ Attached is a check in the amount of: \$370.00
- ☐ Charge Deposit Account No. 13-2855 in the amount of: \$ \_\_\_\_\_  
A copy of this Transmittal is enclosed.

**13. Deposit Account and Refund Authorization**

The Commissioner is hereby authorized to charge any deficiency in the amount enclosed or any additional fees which may be required during the pendency of this application under 37 CFR 1.16 or 37 CFR 1.17 to Deposit Account No. 13-2855. A copy of this Transmittal is enclosed.

Please refund any overpayment to Marshall, Gerstein & Borun at the address below.

**14. Correspondence Address**

Customer No.: 04743

Respectfully submitted,

MARSHALL, GERSTEIN & BORUN  
6300 Sears Tower  
233 South Wacker Drive  
Chicago, Illinois 60606-6357  
(312) 474-6300  
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By: \_\_\_\_\_

Jeffrey S. Sharp  
Reg. No: 31,879

November 26, 2001